

## **REMARKS**

Claims 13-43 are pending. Claims 1-12 and 44-58 were previously cancelled. By the present Amendment, Claims 13-16, 25-27, 29 and 31-34 are amended, thereby leaving Claims 17-24, 28, 30 and 35-43 unchanged. Applicants acknowledge and appreciate the Examiner's indication that Claims 14-43 contain allowable subject matter.

### **Claim Rejections – 35 U.S.C. § 112**

The Examiner rejected Claims 13-43 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

#### **Claim 13**

In section 1(a)(i) of the Office action, the Examiner contends that Claim 1 “recites both a power tool and an actuator but the specification describes these two elements as being the same thing. It is not clear if they are separate elements or if this is a case of double inclusion.” However, Applicants note that Claim 1 was previously cancelled. Applicants therefore assume the Examiner is referring to Claim 13. Applicants respectfully submit that the specification of the present application clearly describes these elements and that this is not a case of double inclusion. Reconsideration is respectfully requested.

Specifically, the specification of the present application describes a fastener feeding device 10, which is “attachable to a nosepiece 14 of a rotary power tool 18, such as, for example, an electric or pneumatic drill, screwdriver, etc.” Page 6, lines 18-19. The specification of the present application further describes “a locking collar 90 that generally surrounds the mounting sleeve 46 and that is rotatable about the tool axis 26 to selectively secure the device 10 to the nosepiece 14.” Page 4, lines 4-6.

Accordingly, Applicants respectfully submit that the specification of the present application describes a power tool and feed device including an actuator and that these elements are described as being separate elements. Therefore, Claim 13 is clear and does not have a double inclusion.

#### **Claim 14**

With respect to Claim 14, the Examiner contends that “[t]he sleeve and extension are described as being connected to each other and then the housing” and that “[t]he claim must recite the same mode of connection as described in the specification.” The Examiner also

contends that “the claim is not clear in how the connections are made”. Applicants respectfully submit Claim 14, when read in view of the specification of the present application, is clear and that Claim 14 clearly defines the claimed subject matter. Applicants also respectfully submit that the subject matter of Claim 14 is clearly supported by the specification of the present application. Reconsideration is respectfully requested.

Before addressing the Examiner’s rejections, Applicants note that 35 U.S.C. § 112, second paragraph states that “[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as the invention” Moreover, “as noted in *In re Ehrreich*, 590 F.2d 902, 200 USPQ 504 (CCPA 1979), agreement, or lack thereof, between the claims and the specification is properly considered only with respect to 35 U.S.C. § 112, first paragraph; it is irrelevant to compliance with the second paragraph of that section. M.P.E.P. § 2172. Accordingly, Applicants respectfully submit that the present rejection is improper.

In addition, the specification of the present application recites that “[t]he extension 900 includes a housing 904 having a first end 908 that attaches to the power tool 18 and a second end 912 that, in the illustrated construction, attaches to the [feed] device 610” and that “[t]he first end 908 is configured similarly to the housing portions 734a, 734b and includes a locking aperture [138] and a locking collar [90] to couple the first end 908 to the power tool 18.” Page 16, lines 8-13. The specification further recites that “[t]he second end 912 includes an extension nosepiece 928 configured similarly to the nosepiece 14 of the power tool 18 and is received by the housing portions 734a, 734b of the device.” Page 16, lines 15-16.

Accordingly, Applicants respectfully submit that the subject matter of Claim 14 is shown and described in the specification. Moreover, Applicants respectfully submit that Claim 14, when read in view of the specification, clearly defines the claimed subject matter.

#### **Claim 25**

The Examiner contends that “Claim 25 recites both a power tool and a feed device but the specification describes these two elements as being the same thing” and that “[i]t is not clear if they are separate elements or if this is a case of double inclusion.” The Examiner also states that “[t]he sleeve and extension are described as being connected to each other and then the housing” and that “the claim must recite the same mode of connection as described in the specification.” Applicants respectfully submit that the specification of the present application

clearly describes these two elements and that this is not a case of double inclusion. Reconsideration is respectfully requested.

Before addressing the Examiner's rejections, Applicants note that 35 U.S.C. § 112, second paragraph states that "[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as the invention" Moreover, "as noted in *In re Ehrreich*, 590 F.2d 902, 200 USPQ 504 (CCPA 1979), agreement, or lack thereof, between the claims and the specification is properly considered only with respect to 35 U.S.C. § 112, first paragraph; it is irrelevant to compliance with the second paragraph of that section. M.P.E.P. § 2172. Accordingly, Applicants respectfully submit that it is improper to reject Claim 25 under 35 U.S.C. § 112, second paragraph for failing to recite "the same mode of connection as described in the specification."

The specification of the present application describes a fastener feeding device 10, which is "attachable to a nosepiece 14 of a rotary power tool 18, such as, for example, an electric or pneumatic drill, screwdriver, etc." Page 6, lines 18-19. The specification further recites that "[t]he extension 900 includes a housing 904 having a first end 908 that attaches to the power tool 18 and a second end 912 that, in the illustrated construction, attaches to the [feed] device 610" and that "[t]he first end 908 is configured similarly to the housing portions 734a, 734b and includes a locking aperture [138] and a locking collar [90] to couple the first end 908 to the power tool 18." Page 16, lines 8-13. The specification also recites that "[t]he second end 912 includes an extension nosepiece 928 configured similarly to the nosepiece 14 of the power tool 18 and is received by the housing portions 734a, 734b of the device." Page 16, lines 15-16.

Accordingly, Applicants respectfully submit that the specification of the present application describes a power tool and a feed device and that these elements are described as being separate elements. Moreover, Applicants respectfully submit that the subject matter of Claim 25 is clearly shown and described in the specification. Also, Claim 25 is clear and does not have a double inclusion.

#### **Claim Rejections – 35 U.S.C. § 102**

The Examiner rejected Claim 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,899,126 ("Fujiyama"). Reconsideration of the rejections is respectfully requested.

Claim 13 defines a fastener feeding device for a power tool, the power tool including a support projection defining a tool axis and a groove extending at least partially around the circumference of the support projection, said device comprising a feed device including a mounting sleeve selectively connectable with the support projection, a clamping block supported by the mounting sleeve and radially movable relative to the tool axis, the clamping block being engageable with the groove, and an actuator operable to move the clamping block into engagement with the groove, the actuator being engageable by a hand of an operator, the actuator being movable between a locked condition, in which the clamping block is at least partially disposed within the groove to resist axial movement of the mounting sleeve relative to the support projection, and an unlocked condition, in which the clamping block is allowed to move from the groove such that the mounting sleeve is removable from the support projection.

Fujiyama does not teach or suggest, among other things, a power tool including a support projection defining a tool axis and a groove extending at least partially around the circumference of the support projection. Rather, Fujiyama discloses a screw tightener including a nose portion 102 supported in a cylindrically-shaped screw tightener body 101 and movable relative to the screw tightener body 101 along an axis defined by a driver bit 103. Column 8, lines 1-2. Moreover, as shown in Fig. 1a of Fujiyama, a retaining pawl 18 is supported in the interior of a nose holder 4 for pivoting movement relative to a nose holder 4 to engage a first retaining member 21 to secure the nose portion 2 in the body 1. As shown in Fig. 1b, the retaining member 21 appears to be an inwardly extending protrusion.

Fujiyama also does not teach or suggest a fastener feeding device including a mounting sleeve selectively connectable with the support projection and a clamping block supported by the mounting sleeve and radially movable relative to the tool axis, the clamping block being engageable with the groove. Rather, the screw tightener of Fujiyama discloses a wheel rod 104 that extends through the nose portion 102 of the screw tightener and supports a feed wheel 106 for axial movement through the nose portion 102 along an axis defined by the wheel rod 104. Column 8, lines 23-24. During operation, the feed wheel 106 rotates to move screws into a driving position at the forward end of the nose portion 102. As shown in Fig. 8, the wheel rod 104 and the feed wheel 106 are supported in a forward portion of the nose portion 102 and are spaced forwardly and are prevented from contacting the first retaining member 21 or the retaining pawl 18.

In addition, Fujiyama does not teach or suggest a fastener feeding device including, among other things, an actuator operable to move the clamping block into engagement with

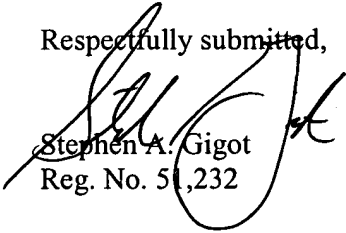
the groove, the actuator being engageable by a hand of an operator, the actuator being movable between a locked condition, in which the clamping block is at least partially disposed within the groove to resist axial movement of the mounting sleeve relative to the support projection, and an unlocked condition, in which the clamping block is allowed to move from the groove such that the mounting sleeve is removable from the support projection. As shown in Fig. 8 of Fujiyama, the feed wheel 106 is supported in the interior of the nose portion 102 and the nose portion 102 prevents an operator from contacting the feed wheel 106. Moreover, no portion of the feed wheel 106 prevents movement of the nose portion 102 relative to the body 101.

For these and other reasons, Fujiyama does not teach or suggest the subject matter defined by Claim 13. Accordingly, Claim 13 is allowable.

### CONCLUSION

In view of the foregoing, allowance of the application is respectfully requested. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

  
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